

DISTRICT COURT (FIRST DISTRICT) [273]

CASE FILES, 1851-1856; 1865

2 cu. ft.

DESCRIPTION:

An original complaint, summons, indictment or arrest warrant which initiated a legal action together with all legal papers subsequently filed in connection with the civil or criminal proceeding through disposition or dismissal of the case make up these case files. These files document the legal process and the administration of justice in the First Judicial District.

Both civil and criminal cases are included throughout the time period covered by the series. The majority of these cases are civil matters. A civil action is a lawsuit brought by one person or a group against another to enforce a legal right or to recover money as payment for an injury or loss. A civil case commences with the filing of a complaint with the court or by service to the defendant of a summons together with a copy of the complaint. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, a prescribed punishment. A criminal case is initiated with a complaint, information, indictment, or arrest warrant. Records and documents pertaining to a particular action were maintained by the court clerk, who was required to file pleadings and other legal papers for cases arising throughout the district. Collectively they constitute the case file.

The First District Court was restricted to adjudication of actions involving real property located within the First Judicial District, those in which the defendant resides within the First Judicial District, and those involving incidents occurring within the First Judicial District. The court was required to hold at least four terms within the district each calendar year. Matters from throughout the several counties assigned to the district generally were heard in Great Salt Lake City. Cases from Salt Lake County are most numerous but matters from outlying counties are included.

ARRANGEMENT: These cases were created prior to adoption of a numbering system and are filed chronologically by the year the court action commenced and thereunder alphabetically by the plaintiff's personal surname or corporate name. Files dealing with court business (orders to issue subpoenas) appear at the beginning of each new calendar year, 1851-1856. As criminal cases are considered an offense against the public, the plaintiff may variously be recorded originally as "People" or "United States." In the interest of consistency, all such differentiations now are filed collectively as "People."

RESEARCH NOTE:

Incidents of interest include: an infamous 1851 criminal case involving Pedro Leon and other Spanish traders engaged in the illicit trading of American Indian slaves; an 1853 criminal action against James Bridger; two 1851 civil suits filed by Brigham Young, Trustee in Trust for The Church of Jesus Christ of Latter-day Saints; and an 1855 civil suit against Porter Rockwell (Judson Stoddard vs. Orrin P. Rockwell).

Eight judges from throughout the district filed ten performance bonds with the court. Included are the following: Elias Smith, Great Salt Lake County, chief justice (1851) and probate judge (1852 & 1856); Thomas Rhoads, Great Salt Lake County, associate judge (1851); James Holbrook, Davis County, probate judge (1852); Joseph Holbrook, Davis County, probate judge (1856); Alfred Lee, Tooele County, probate judge (1852); William I. Appleby, Green River County, probate judge (1854); Isaac Bullock, Green River County, probate judge (1855); and John P. Barnard, Malad County, probate judge (1856).

Other bonds filed with the court include two bonds involving granting ferry rights over the Green River to Daniel H. Wells (1853) and one related to the sale of land (1851).

Petitions to be admitted to the bar and permitted to practice law were filed in 1851 by Seth M. Blair, Andrew Siler, and Joshua Slayton.

Included in the series are two declaration of intention certificates filed by individuals seeking United States citizenship: Alexander Findlay McDonald of the United Kingdom (10 September 1855) and Charles Caster of the United Kingdom (10 March 1865).

Two certificates of appointment naming Alexander McRae and Hosea Stout as deputy U.S. marshals are included with the orders to issue subpoenas in the 1856 court business folder.

A single divorce case, Maria Wakeham vs. John A. Wakeham (Great Salt Lake County, 1855), is included in the series.

RELATED RECORDS: TERRITORIAL CRIMINAL CASE FILES (1851-1858), series 24052, include a compilation of miscellaneous documents from the earliest surviving territorial criminal case from each of the three judicial districts. The territorial judiciary also

created the First Judicial District CASE FILES (1878-1891), series 1529; the First Judicial District SOUTHERN DIVISION CRIMINAL CASE FILES (1875-1895), series 1521; the Second Judicial District CRIMINAL CASE FILES (1851-1895), series 24291; the Second Judicial District CIVIL CASE FILES (1883-1895), series 24293; the Third Judicial District CRIMINAL CASE FILES (1882-1895), series 6836; and the Third Judicial District CASE FILES (1851-1896), series 9802.

CUSTODY HISTORY: Throughout the territorial period, case files were created and maintained by the clerk appointed by and serving at the pleasure of the judge of the district court. At statehood, the Salt Lake County Clerk was constitutionally designated as ex officio clerk of District Court in and for Salt Lake County. The county/district court clerk maintained custody of the case files until their transfer to the Utah State Archives.

PROCESSING NOTE: Since 1983, case files have been listed as permanent records in the records retention policy of the Utah Judicial Council. In spite of the uncertain provenance of some of the documents found with the case files, papers of unsure origin have been left with the series. Archival processing of these records was completed in May 2003 by W. Glen Fairclough, Jr.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Box	Folder	Description
Pending	1	1-22	1851
Pending	1	23-56	1852
Pending	1	57-70	1853
Pending	1	71-105	1854
Pending	2	1-60	1855
Pending	2	61-88	1856
Pending	2	89	1865